

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PERSEPHANIE CHANELLE FREEMAN,)
)
Plaintiff,)
)
v.) CIV. ACT. NO. 2:21-cv-536-ECM
) (WO)
ALABAMA DEP'T OF REVENUE,)
)
Defendant.)

MEMORANDUM OPINION and ORDER

Now pending before the court is the Report and Recommendation of the Magistrate Judge (doc. 9) which recommends that this case be dismissed prior to service of process in accordance with 28 U.S.C. § 1915(e). On January 20, 2022, the Plaintiff requested leave to file her objections out of time and filed objections to the Recommendation. (Doc. 10). The Court has carefully reviewed the record in this case, including the Magistrate Judge's Report and Recommendation, and the Plaintiff's objections. *See* 28 U.S.C. § 636(b).

When a party objects to a Magistrate Judge's Report and Recommendation, the district court must review the disputed portions *de novo*. 28 U.S.C. § 636(b)(1). The district court "may accept, reject, or modify the recommended disposition; receive further evidence; or resubmit the matter to the magistrate judge with instructions." FED. R. CIV. P. 72(b)(3). *De novo* review requires that the district court independently consider factual issues based on the record. *Jeffrey S. ex rel. Ernest S. v. State Bd. of Educ.*, 896 F.2d 507, 513 (11th Cir. 1990). However, objections to the Magistrate Judge's Report and Recommendation must be sufficiently specific in order to warrant *de novo* review. *See*

Stokes v. Singletary, 952 F.2d 1567, 1576 (11th Cir. 1992) (“[w]henever any party files a timely and specific objection to a finding of fact by a magistrate, the district court has an obligation to conduct a *de novo* review of the record with respect to that factual issue.”) (quoting *LoConte v. Dugger*, 847 F.2d 745, 750 (11th Cir. 1988)). Otherwise, a Report and Recommendation is reviewed for clear error.

The Court has reviewed the Plaintiff’s objections wherein she simply resubmitted the narrative attached to her complaint. While the Plaintiff added exhibits to her objections, she objects without any specificity and without stating the bases for her objections. Due to the lack of specificity in the Plaintiff’s objections, the Court undertook a review of the Plaintiff’s Objections under the clear error standard.

The Plaintiff does not point to any error committed by the Magistrate Judge, but instead re-offers a recitation of the claims made in her complaint. The Court finds that the well-reasoned Recommendation of the Magistrate Judge effectively addresses the Plaintiff’s complaint.

Accordingly, for the reasons as stated and for good cause, it is

ORDERED as follows:

1. The Plaintiff’s motion for leave to file objections out of time (doc. 10) is GRANTED;

2. The Plaintiff’s objections (doc. 10) are OVERRULED;

3. The Recommendation of the Magistrate Judge (doc. 9) is ADOPTED; and

4. This case is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)

as frivolous and for failure to state a claim on which relief may be granted.

A final judgment will be entered.

DONE this 7th day of February, 2022.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE